

THREE PERIODS OF A STATESMAN'S LIFE.



1893
"DOWN WITH THE QUEEN."



1895
"WILCOX MUST BE HANGED."



1901
"THE GOVERNOR MUST GO."

HAD NO SESSION BUT THE SENATE WAS LIVELY

meeting of the House various committees being offices and sizing up appropriations. A bill presented today, but probably be asked for the pay rolls will not be session until this morning.

dependents have resolved and fix the appropriation wait themselves, was their Saturday's session for anything pro- session morning session to a wrangle as to committees, and the dis- came quite warm. exhibition of rhetoric. For a time it looked serious intentions of furniture, but finally amount of the lack of would make a fine show if he wasn't in his use of the

of the session a com- received from Attor- name, his assistant, on resolution whether or any other act might the session. The fol- Attorney-General's com-

session for appropriations. I herewith send you a copy of Mr. Dunne's opinion. It is very able and thorough. I think his conclusions are correct.

The definition of appropriation, given in Webster's dictionary and following in *Poli vs. Dunn*, 50 Cal. 227 and other cases is as follows: "An appropriation is the act of setting apart or assigning to a particular use or purpose in exclusion of all others application to a special use or purpose, as of money to carry out some public object." "Appropriation as applicable to the general fund in the treasury is defined to be authority from the Legislature given at the proper time and in legal form to the proper officers to apply sums of money, out of that which may be in the treasury, in a given year to special objects or demands against the State," *Ristine vs. State*, 20 Ind. 333; *Stratton vs. Green*, 45 Cal. 149; *State vs. Lindsay*, 3 Wash. 120.

The essence of the Appropriation bill is the provision for spending public mon- ey. The essence of a loan bill is the authority to borrow money. Although authority to spend may be of little effect without authority to borrow, it seems to me that these powers are so distinct that the latter is not included in the former.

I have the honor to be, sir, with great respect,

E. P. DOLE,
Attorney General.

Mr. Dunne's opinion covered thirty-six pages of typewritten matter, citing authorities in the matter, concluding with the following, which is the final decision:

"I am distinctly of the opinion that section 54 restrains and limits legislative power at an extra session to the consid- eration of appropriation bills.

"J. J. DUNNE."

Section 54 of the Organic Act referred to states: "That in case of failure of the Legislature to pass appropriation bills providing for payments of the necessary current expenses of carrying on the Gov- ernment and meeting its legal obligations as the same are provided for by the then existing laws, the Governor shall, upon the adjournment of the Legislature, call it in extra session for the consideration of appropriation bills, and until the Leg- islation shall have acted, the Treasurer may, with the advice of the Governor, make such payments, for which purpose the sums appropriated in the last appro- priation bills shall be deemed to have been re-appropriated."

ATTORNEY GENERAL DOLE'S OPINION ON MOOT POINTS

Attorney-General Dole has filed the following opinion on two current ques- tions:

Honolulu, H. I., May 11, 1901.
To His Excellency Sanford B. Dole,
Governor of the Territory of Haw- aii.

Sir—I have the honor to acknowledge the receipt of your communication of May 10th, in which you say "will you give me a written opinion on the two following questions: (1) Upon what day did the recent session of the Legis- lature expire by time limit? (2) May a bill be received and acted on by the Governor subsequent to the expiration of the session of the Legislature in which it was enacted?"

The first two lines of section 43 of the Organic Act declare "that each session of the Legislature shall con- tinue not longer than sixty days, ex- cluding Sundays and holidays."

As I understand, the Legislature convened February 20th. Counting the days on the calendar, it had continued sixty days at midnight, April 30th, ex- clusive of Sundays. During this time Washington's birthday, February 22d, intervened. February 22d is not a statutory holiday, either by the laws of this Territory, or the laws of the United States, unless in the District of Columbia, although by State and Ter- ritorial law it is a legal holiday in about three-fourths of the States and Territories. I doubt if the word holi- day, as used in the Organic Act, is limited exclusively to statutory holidays. But to be a holiday, without statutory enactment, it must be such by settled and general usage; a day set apart for festivities, recreation or ceremonial in which the ordinary occupations of the community are suspended, generally and by common consent.

In regard to your second question, it seems to me that section 43 of the Organic Act is quite clear. It declares

"that every bill which shall have pass- ed the Legislature shall be certified by the presiding officers and clerks of both houses, and shall thereupon be presented to the Governor."

I think this provision contemplates and recognizes that the bill shall be presented to the Governor before the session of the Legislature has expired by limit of time. I think that its pre- sentation to the Governor is a legisla- tive function which cannot be omitted and must be performed while the Leg- islation has a legal existence to per- form it. I think it is analogous to the delivery of a deed, which is the final act necessary to give it validity. I do not mean by this that a legislative committee must actually place the bill in the Governor's hands. If it is plac- ed in the hands of his secretary or an authorized attache, or, in his absence, is filed in his office, or laid on his table, I think it is a constructive pre- sentation. If the Governor, by any oversight or neglect, either on his own part or on the part of any one con- nected with his office, fails to receive the bill before the Legislature ad- journs, I think it is still a presentation if the Legislature has done its part be- fore the expiration of its sixty days' limit. On the other hand, if the Leg- islation has failed to complete its part before the expiration of said time, I do not see how the Governor can re- gard the bill as having been present- ed to him.

No authorities bearing upon the sec- ond question which you ask have been brought to my attention by the coun- sel representing the bill under consid- eration, and the necessity for an im- mediate reply has compelled me to an- swer without time to look up the law carefully.

I have the honor to be, sir, with great respect, your obedient servant,

E. P. DOLE,
Attorney General.

lusty young voices bespoke the enthu- siasm that has been awakened by the efforts of those to whom is due the credit of bringing the youths together in the excellent organization.

Brief addresses were made by Rev. Mr. Turner, Mr. Theo. Richards, Mr. Waldron, and Rev. Mr. Erdmann, each of the speakers appealing to the boys in simple language and drawing morals from incidents that come within the sphere of keen juvenile interest.

The "Maui" and Kaumakapili quar- tets sang sacred hymns, and the service was closed with a prayer and benediction, pronounced by Rev. Mr. Erdmann.

CLASH OF HOSTILE GANGS LAST NIGHT ON WATERFRONT

There was war on the waterfront last night. For a while it looked as if some- body was going to be killed; as it was, there were several wounded by stones, sticks and lumps of coal, and many others who will nurse bruises for a few days to come.

A large gang composed of about a hun- dred men and boys of the lowest class of residents of Kakaako started in to "do up" the "waterfront boys." It seems that very little aloha has been lost be- tween the Kakaako gang and the water- front boys for some time past. They have taken advantage of every opportu- nity which has presented itself to be ob- noxious, one side to the other, and the brand of hate which exists between the two factions is of the kind known on the waterfront and elsewhere as "Wela ka Hao!"

Last night about 10 o'clock the Kakaako gang came out of their part of town in a body and met some of the waterfront boys, composed for the most part of sailors on the different local steamers and stevedores, and immediately started in to show fight. The waterfront boys did not hang back at all, but started to defend themselves. There were probably 150 men and boys engaged altogether and as they fought the Kakaako gang grad- ually forced the others from near the fishmarket to the esplanade.

Arriving on the esplanade the water- fronters took up a stand in front of Wil- der's wharves, while those of Kakaako stationed themselves in a body under the electric light near the Pacific Mall wharf. The Kakaako force far outnumbered the others and had the advantage. They saw this and did not intend to lose by it.

The waterfronters shortly made up their minds to rush the Kakaakos in a body, and upon seeing this the larger force took to throwing stones. Then the battle began in earnest. As soon as the stone-throwing commenced one of the customs inspectors blew a whistle to summon the police. There were none on hand at the time, however, and it was some time afterward before they ar- rived on the scene in the patrol wagon in answer to a riot call.

For fully twenty minutes the battle

raged. Several men were struck by stones, and one of them exhibited a nas- ty cut on the jaw after the battle was over. While the fight was on the shouts and curses of the fighters could be heard for blocks. Stones rattled on the roofs of the sheds on the Pacific Mall wharf and Wilder's wharf. Some of the men took up positions on the top of coal piles and threw lumps down upon the heads of their adversaries.

Now and then there was a lull in the fight. During these breaks in action the waterfronters would retreat to Wilder's wharf to hold councils of war. One of them was to split their force, one part to make a flank movement on the enemy and surprise them while the remainder held their attention by lining up in front of them and cursing and daring them to come on. This was not carried out for the reason that a leader could not be found.

The big watchman at Wilder's wharf did all that was in his power to stop the trouble. He was instrumental in holding the waterfronters back, and also inspired the Kakaakos with a certain amount of respect, as he is a special officer and a very powerful man.

While the Kakaako gang was busy pelting stones at the waterfronters they did not notice the police reserve which arrived quietly. To their great credit, no one could tell from whence they sprang. Right in the middle of the trouble stones were dropped and men and boys took to their heels as officers jumped into the middle of the crowds and called upon the fighters to cease. There were bicycle, foot and mounted police and the word was passed that the patrol was coming with more officers, in a hurry. The foot police grabbed hold of several men. Un- fortunately, however, they did not get those who were leaders. The mounted patrolmen and bicycle police started after the assaulting gang, which ran pell mell for Kakaako. All of the men of the waterfront gang started in chase, of the Kakaakos with the police. The Ka- kaakos, however, were soon lost to view in the darkness, probably hiding in places best known to themselves only.

The patrol wagon arrived and more police with it. The mounted patrolmen, after a fruitless chase in the direction of Kakaako, returned to where the pa- trool wagon was standing, empty-handed. Other policemen had managed to secure four of the Kakaako gang, however, and they were hustled into the wagon, to-

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